Remarks and Arguments

Applicants have carefully considered the Office Action dated January 17, 2007 and the references cited therein. Applicants respectfully request reexamination and reconsideration of the application.

Claim 14 is objected to because the Examiner asserts that the phrase "selected of" does not have a clear meaning. Claim 1 has been amended to recite "some of the plurality of client processes" (claim 1, line 7). This amendment has not been made to distinguish over any reference of record and no narrowing of any corresponding equivalents to which the amended limitation or claim is entitled is intended by these amendments.

Applicants respectfully request that the provisional obviousness-type double patenting rejection of claim 20 be held in abeyance until an indication of allowable subject matter in either copending application serial number 09/695,203, or the subject application.

Claims 14-15 and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,683,858, Chu et al., hereafter Chu, already of record. Additionally, claims 14-15 and 20-21 are also rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,473,858, Shimomura et al., hereafter Shimomura. Claim 14 has been amended to include the limitations of claim 16 and now recites "wherein the active audio streams comprise a plurality of data packets, each packet having a packet header including a source identifier and sequence number associated with the packet, and wherein the server process is further configured to modify one of the source identifier and sequence number of the packet headers in the active stream of audio packets" (claim 14, lines 19-23). Claim 20 has been similarly amended to include the limitations of claim 22 (claim 22, lines 17-21). In the office action, the Examiner has admitted that neither Shimomura or Chu disclosed such limitation. Accordingly, claims 14 and 20 as well as their respective deepening claims are not anticipated by either Shimomura or Chu.

Claims 16-19 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu in view of U.S. Patent No. 6, 598,172, VanDeusen et al., hereafter VanDeusen, already of record, or, alternatively, under 35 U.S.C. 103(a) as

being unpatentable over Shimomura in view of VanDeusen. Regarding the combination of VanDeusen with either of Shimomura or Chu, Applicants respectfully assert that claims 14 and 20, as amended, are patentable over the combined teachings of VanDeusen with either of Shimomura or Chu. Specifically, the sections of VanDeusen cited by the Examiner disclose only the modification of a timestamp, and are devoid of any teaching of the modification of either a sequence number or a source identifier, as recited in both claims 14 and claim 20. Accordingly, Applicants respectfully assert that claims 14 and 20, as well as their respective dependent claims are likewise patentable over the combined teachings of VanDeusen with either of Shimomura or Chu.

Applicants previously submitted a Declaration Under 37 CFR §1.131, by the named inventors to swear behind the effective date of the Chu reference, June 28, 2000. Because one of the named inventors, Jeff Durham, was deceased. The examiner has refused acceptance of the declaration because Applicants power of attorney for the deceased inventor was terminated with the death of the inventor and has recommended the filing of a petition under 37 CFR 1.183 requesting a waiver of the rule that all inventors of the subject matter claim must sign the affidavit. Examiner will note that MPEP 715.04(I)(A)-(B) states that all or less than all named inventors *may* make an affidavit or declaration under 37 CFR §1.131. Accordingly, at this time, Applicants reserve the right to submit a petition under 37 CFR 1.183 requesting a waiver of the rules or to submit a new declaration under 37 CFR §1.131, and any amendments to the claims, as set forth herein are intended to be prejudicial to applicants rights to pursue one or both of those options during the pendency of this application.

Applicants believe the claims are in allowable condition. A notice of allowance for this application is solicited earnestly. If after considering the above remarks and amendments, the Examiner is of the opinion that not all claims recite allowable subject matter, Applicants respectfully request a telephone interview with the Examiner and his/her respective Supervisory Patent Examiner to resolve any outstanding issues by Examiner's Amendment prior to issuance of any an Advisory Action.

The Examiner is hereby authorized to charge any fees or credit any balances under 37 CFR §1.17, and 1.16 to Deposit Account No. DA-12-2158.

Respectfully submitted,

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